

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:03-CR-77-T-30TBM

HATEM NAJI FARIZ
_____ /

MOTION TO RECONSIDER SELF-SURRENDER DATE

Defendant, Hatem Naji Fariz, by and through undersigned counsel, respectfully moves this Court for reconsideration concerning extending his self-surrender date, based on the extension granted in the Northern District of Illinois until October 31, 2006. As grounds in support, Mr. Fariz states:

1. Mr. Fariz had been given a self-surrender date of October 3, 2006. Mr. Fariz filed a motion in the U.S. District Court, Northern District of Illinois, Chicago (Case No. 04-CR-633) seeking to extend his self-surrender date based on his observance of the Muslim holiday of Ramadan. The Court initially extended his self-surrender date until October 10, 2006, until the request was fully heard.

2. Mr. Fariz had understood that this new surrender date of October 10, 2006, applied to both cases. Once the confusion was cleared amongst those concerned regarding the self-surrender date, the U.S. Marshals set a new self-surrender date for Tampa of October 11, 2006.

3. Mr. Fariz initially sought to have this issue heard in Chicago, as the undersigned was due to be out of the office on vacation from September 29, 2006 through

October 6, 2006, and did not realize that the request needed to be made in both cases since Mr. Fariz will be reporting ultimately for both federal sentences. Once it was learned that Mr. Fariz needed to file a similar motion concerning his observance of Ramadan, Mr. Fariz immediately filed his motion seeking to extend his self-surrender date in Tampa.

4. Today, the Honorable Milton I. Shadur, U.S. District Judge, Northern District of Illinois, granted Mr. Fariz' request to extend his self-surrender date until October 31, 2006. (Attachment A).

5. The undersigned has learned from the U.S. Marshals that Mr. Fariz' self-surrender date in Tampa will remain October 11, 2006, unless this Court orders otherwise.

6. Mr. Fariz respectfully asks this Court to reconsider extending his self-surrender date until October 31, 2006. The 20-day extension would allow Mr. Fariz to complete his observation of the Muslim holiday of Ramadan, which began on September 24, 2006. Eid al Fitr will then begin on October 24, 2006, and lasts three days. Mr. Fariz is currently in the middle of his observation of the Muslim holiday, and would respectfully request the opportunity to complete the holiday with his family prior to reporting for his sentences.

WHEREFORE, Hatem Naji Fariz respectfully moves this Court for reconsideration and asks the Court to extend his self-surrender date until October 31, 2006.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of October 6, 2006, a true and correct copy of the foregoing has been furnished by CM/ECF, to:

Walter Furr, Assistant United States Attorney
Terry Zitek, Assistant United States Attorney

and by hand delivery to:

Christine Horton
U.S. Marshals
U.S. Courthouse, 4th Floor
Tampa, FL

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Assistant Federal Public Defender